

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
LITIGATION**

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No. 12-md-2323 (AB)

MDL No. 2323

Hon. Anita B Brody

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

**ARMSTRONG OBJECTORS' NOTICE OF INTENT
TO REST ON WRITTEN SUBMISSIONS**

Pursuant to the Court's May 7, 2018 Order (Doc. #9970), the Armstrong Objectors hereby notify the Court that they intend to rest on their previously filed written submissions supporting their Petition for an Award of Attorneys' Fees (Doc. #7230 and #7232). The Armstrong Objectors' Counsel spent over 1100 hours and advanced over \$70,000 of out-of-pocket expenses working to improve the settlement for Class Members. *Id.*, Doc. #7232 at 16. That said, the Armstrong Objectors' Counsel only seek an award of their straight-time hourly attorneys' fees (\$599,700)¹ with no multiplier and no expense reimbursement. *Id.* Their fee request also excludes the time of their lead appellate counsel.

The Armstrong Objectors' attorneys' fee request is predicated on the following written submissions (including exhibits):

1. Armstrong Objectors' Original Objection (Doc. #6353) (filed September 3, 2014).

Paragraph 4(h) of the preliminary approval order (Doc. #6084) established October 14, 2014 as

¹ The Armstrong Objectors' requested fee award is less than .05% of the overall value of the settlement. Doc. #7232 at 16. The requested fee award is .942% of the \$63.65 million increase in the value of the settlement the Armstrong Objectors secured, and .533% of the \$112.5 million of attorneys' fees to be paid by the NFL. *Id.*

the deadline to object to the settlement, referencing the attached Long Form Notice (Doc. #6084-1) for the precise objection procedure. FAQ No. 35 in the Long Form Notice required all objections to be mailed to the Clerk of the Court for the Eastern District of Pennsylvania. So, on September 3, 2014, *more than a month before the objection deadline*, and long before any objections were filed on the Court's ECF, the Armstrong Objectors played by the rules and mailed their Original Objection to the Clerk of the Court. The Armstrong Objectors' Original Objection made thirteen (13) concrete suggestions for improving the settlement—many of which are now claimed by lawyers for other objector groups. The Court sua sponte eventually filed the Armstrong Objectors' Original Objection on the ECF as Doc. #6353.

2. Armstrong Objectors' Amended Objection (Doc. #6233) (filed October 14, 2014). Later, on October 13, 2014, after additional former NFL players joined the Armstrong Objector group, the Armstrong Objectors again played by the rules, overnighting their Amended Objection to the Court. The Court sua sponte also filed the Armstrong Objectors' Amended Objection on the ECF as Doc. #6233.

3. Armstrong Objectors' Supplemental Objection (Doc. #6503) (filed directly on the ECF on April 13, 2015 after the Court allowed objections to be filed directly on the ECF).

4. Armstrong Objectors' Notice of Supplemental Authority in Support of their Objection (Doc. #6480) (filed February 12, 2015).

5. Armstrong Objectors' Petition for an Award of Attorneys' Fees and Supporting Memorandum of Law (Doc. #7230 and #7232) (filed March 1, 2017).

6. Armstrong Objectors' Reply in re: Their Attorneys' Fee Petition (Doc. #7608) (filed May 5, 2017).

7. Armstrong Objectors' Objection to Class Counsel's Proposed Allocation of Common Benefit Attorneys' Fees, Payment of Common Benefit Expenses, and Payment of Case Contribution Awards to Class Representatives (Doc. #8532) (filed October 25, 2017).

Wherefore, the Armstrong Objectors respectfully request that the Court award them \$599,700 of attorneys' fees, and grant them such other and further relief to which they are justly entitled.

Date: May 11, 2018

/s/ Richard L. Coffman
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**COUNSEL FOR THE ARMSTRONG
OBJECTORS**

CERTIFICATE OF SERVICE

I certify that a true copy of the Armstrong Objectors' Notice of Intent to Rest on Written Submissions was served on all counsel of record, via the Court's ECF system, on May 11, 2018.

/s/ Richard L. Coffman
Richard L. Coffman